

1 JUDGE JAMAL N. WHITEHEAD
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 UNITED STATES OF AMERICA, } No. CR24-042-JNW
8 } Plaintiff, } ORDER TO CONTINUE TRIAL AND
9 } v. } EXTEND PRETRIAL MOTIONS
10 } JOSE GERARDO RODRIGUEZ- } DEADLINE
11 } MONTOYA, }
12 } Defendant.

13 THE COURT has considered the motion to continue the trial date and extend the
14 pretrial motions deadline and finds that:

15 (a) taking into account the exercise of due diligence, a failure to grant a
16 continuance in this case would deny counsel the reasonable time necessary for effective
17 preparation due to counsel's need for more time to review the evidence, consider
18 possible defenses, and gather evidence material to the defense, as set forth in 18 U.S.C.
19 § 3161(h)(7)(B)(iv);

20 (b) a failure to grant such a continuance would likely result in a miscarriage of
21 justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i);

22 (c) the additional time requested is a reasonable period of delay as the defendant
23 has requested more time to prepare for trial, to investigate the matter, to gather evidence
24 material to the defense, and to consider possible defenses;

25 (d) the ends of justice will best be served by a continuance, and the ends of
26 justice outweigh the best interests of the public and the defendant in any speedier trial,
as set forth in 18 U.S.C. § 3161(h)(7)(A);

1 (e) the time requested between the current trial date and the new trial date is
2 needed to provide counsel the reasonable time necessary to prepare for trial considering
3 counsel's schedule and all the facts set forth above; and

4 (f) the period of delay from the date of this order to the new trial date is
5 excludable time pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

6 IT IS ORDERED that the trial date shall be continued to July 1, 2024, and that
7 pretrial motions shall be filed no later than June 3, 2024.

8 DONE this 17th day of April 2024.

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12 Jamal N. Whitehead
13 United States District Judge
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15 Presented by:

16 s/ *Mukund Rathi*
17 Assistant Federal Public Defender
18 Attorney for Jose Rodriguez-Montoya
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